

plumed knight with lance at rest and visor down, awaits the commands of his state to lead the charge again. Let the order be given, as assuredly it must, and then, like brave Texans whom he has so often led, let us with him fall into line, and sweep from power those who have so long withstood the right and practiced wrong.

Senator Kearby rose and withdrew the name of Hon. Horace Chilton from the canvass.

He said:

Mr. President and Fellow Senators:

Since my earliest manhood it has been my good fortune to have had a personal acquaintance with the Hon. Horace Chilton, a man who is loved most by those who know him best; a gentleman of unquestionable integrity and recognized ability, a true and tried patriot, a typical Texan, and the very personification of Southern chivalry. The peer; yea the compeer of any man in this State. A man whose fealty to his party, the great Democratic party, has never been questioned; a man who has at all times stood ready and willing when the enemies of his party have sought to make inroads upon her fundamental principles to meet them, and by his elquence and logic to hurl them into oblivion. But, sirs, he recognizes in this unequal contest that it is best for him, and his friends for him to withdraw his name, and in doing so I desire to say for him to those who have felt it their duty to oppose him that he bears them no enmity or ill will, and to his friends who have stood by him with a devotion and fidelity that is seldom equalled, and never excelled, that there shall ever remain in his magnanimous heart the kindest remembrance, and his life in the future, as in the past, is pledged anew to devotion to his friends, his

people and the triumphant and successful establishment of the principles of the grand old Democratic party,

No other names being in nomination the Secretary proceeded to call the roll, with the following result.

Of those voting, Mills received 29 votes, as follows:

Atlee,	Lubbock,
Burney,	McKinney,
Clemens,	Mott,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Simkins,
Garwood,	Sims,
Harrison,	Stephens,
Ingram,	Tyler,
Johnson,	Townsend,
Kearby,	Weisiger.
Kimbrough,	

Jos. D. Sayers 1—Clark; G. W. Jones 1—O'Neal.

The chair announced that Mr. Mills had received 29 votes; Mr. Sayers 1 vote and Mr. Jones 1 vote.

On motion of Senator Carter the Senate adjourned to 10 o'clock tomorrow.

NINTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Wednesday, March 23, 1892.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton up the chair.

Roll called.

Quorum present.

The following senators answering to their names:

PRESENT—31.

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Stephens,
Garwood,	Simkins,
Harrison,	Sims,
Ingram,	Tyler,
Johnson,	Townsend,
Kearby,	Weisiger.
Kimbrough,	

Prayer by the Chaplain Dr. Smoot.

Pending the reading of the Journal, on motion of Senator Ingram the further reading of the same was dispensed with.

BILLS AND RESOLUTIONS.

Senator Stephens offered the following resolution:

Resolved, That whereas the State of Texas has the right at any regular session thereof to reapportion the State into Judicial Districts.

And whereas, the Legislature at each session has been exercising this right fully and freely.

And, whereas this State is now justly apportioned judicially and the various district judges and district attorneys of the several districts of this State are elected by the counties of their respective districts, and are serving out their terms of office in obedience to the expressed will of their constituents.

And, whereas, any general reapportionment of the State would necessarily throw some of these officers so elected by the people out of office and cause many counties of the State to be presided over by officers not elected by them, but appointed by the Governor.

And, whereas, a few special bills will

easily meet the present demands of the people of the State, which bills can and will be formulated by the local members of such district in obedience to the demands therefor, and passed by this Legislature without opposition,

Therefore, be it resolved by the Senate of the State of Texas, that it is inadvisable to pass any general Judicial Reapportionment bill at this session, and that we will only consider and pass such special Reapportionment bills as the local members of the districts to be affected may deem necessary and just.

Senator Searcy moved that the resolution be referred to the committee on Judicial Districts.

Pending argument of Senator Stephens, the following message was received from the House:

House of Representatives,
Twenty-Second Legislature,
AUSTIN, Texas, March 23, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House to inform you of the passage of the following resolution.

"Resolved, That the Senate be invited to meet the House in joint session at 12 o'clock, M., today, for the purpose of electing a United States Senator."

Respectfully,

GEO. W. FINGER,
Chief Clerk House of Representatives.

Senator Searcy's mot on prevailed by the following vote:

YEAS—21.

Burney,	Kearby,
Clemens,	Lubbock,
Crane,	Mott,
Cranford,	Potter,
Finch,	Page,
Frank,	Seale,
Glasscock,	Searcy,
Garwood,	Tyler,

Harrison,
Ingram,
Johnson,

Townsend,
Weisiger.

NAYS—8.

Atlee,
Clark,
Kimbrough,
McKinney,

O'Neal,
Pope,
Stephens,
Sims.

By consent Senator Clemens introduced a bill to be entitled, "An act to provide for the registration of all the voters in all cities containing a population of 10,000 inhabitants or more and to provide penalties for the violation of same.

Read first time and referred to Judiciary committee No. 1.

By consent Senator Mott presented the following committee report:

COMMITTEE ROOM, }
Austin, March 23, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Commerce and Manufacture to whom was referred

Memorial of the Legislature of Texas to Congress, asking for the establishment of a port of refuge on the Florida coast,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Mott, Chairman.

UNFINISHED BUSINESS.

Senate bill No. 11. A bill to be entitled "An act to amend articles 2974, 2978 and 2979, of title 54 of the revised civil statutes of the State of Texas, and to define the offense of usury, and to provide a penalty therefor, and to repeal chapter 18 of the general laws of the regular session of the Twenty-second Legislature."

(On third reading.)

Bill read.

Senator Stephens offered the following amendment:

Amend article 2976 of the bill in line 4 of this article by striking out the words "when knowingly done."

It was lost by the following vote:

YEAS—4.

Frank,
Kearby,

Potter,
Stephens.

NAYS—17.

Atlee,
Burney,
Clark,
Crane,
Cranford,
Finch,
Glasscock,
Harrison,
Johnson,

McKinney,
Mott,
O'Neal,
Pope,
Searcy,
Sims,
Townsend,
Weisiger.

Senator Burney offered the following amendment:

"Amend by striking out section three of the bill."

Lost by the following vote:

YEAS—8.

Atlee,
Burney,
Crane,
Garwood,

Ingram,
Mott,
Searcy,
Sims.

NAYS—18.

Clark,
Clemens,
Cranford,
Finch,
Frank,
Glasscock,
Harrison,
Johnson,
Kearby,

Kimbrough,
McKinney,
O'Neal,
Potter,
Pope,
Seale,
Stephens,
Tyler,
Weisiger.

Senator Sims offered the following amendment:

Amend article 2979, section 1, by adding after the word "paid" line 19, page —, as follows: "Provided suit is instituted therefor before the note, bill or debt is paid."

Lost by the following vote:

YEAS—7.

Clemens,
Garwood,
Ingram,
Kimbrough,

Seale,
Stephens,
Sims.

NAYS—23.

Atlee,
Burney,
Clark,
Crane,
Carter,
Cranford,
Finch,
Frank,
Glasscock,
Harrison,
Johnson,
Kearby,

Lubbock,
McKinney,
Mott,
O'Neal,
Potter,
Page,
Pope,
Searcy,
Tyler,
Townsend,
Weisiger.

The following message was received from the House:

House of Representatives, }
Austin, March 23, 1892. }
Hon. Geo. C. Pendleton, President of
the Senate:

Sir—I am instructed by the House to inform you that the House has adopted the Senate amendments to House bill No. 16, known as the bill in regard to teacher's certificates. Respectfully,
Geo. W. Finger,
Chief Clerk House of Representatives.

Senator Seale offered the following amendment:

Amend by striking out section 2.

Senator Stephens offered the following amendment to the amendment of Senator Seale, which was accepted by the latter:

"Amend by striking out sections 2 and 3 of the bill."

Which, not receiving the two-thirds vote required, it was lost by the following vote:

YEAS—14.

Atlee,	Lubbock,
Burney,	Mott,
Finch,	Seale,
Glasscock,	Searcy.
Garwood,	Stephens,
Ingram,	Sims,
Kimbrough,	Weisiger.

NAYS—13

Clark,	Kearby,
Clemens,	McKinney,
Crane,	O'Neal,
Cranford,	Potter,
Frank,	Page,
Johnson,	Pope,
	Townsend.

We vote to strike out sections 2 and 3 because we believe that the offense is not properly defined, and further because the punishment prescribed is not uniform and will admit of a double construction as to the penalty to be imposed. And further, we believe that the offense ought to be defined and made a part of the penal code and not the civil code, and that the penal code for such offense should be amended to conform to the United States Statutes as to such penalty.

Finch,
Seale,
Glasscock,
Kimbrough,
Weisiger.

The Chair signed in open Senate,

after its title had been read, House bill No. 24, entitled, "An act making an appropriation to defray the contingent expenses of the first called session of the Twenty-second Legislature, convened March 14, 1892, by proclamation of the Governor."

By order of the chair, the secretary read the following communication:

UNIVERSITY OF TEXAS, }
AUSTIN, Tex., March 23, 1892. }

Lieutenant Governor Geo. C. Pendleton, President of the Senate, Twenty-Second Legislature, Austin, Texas.

Dear Sir—The faculty of the University of Texas have instructed me to invite you and the Senate to meet them and the students in the Assembly Hall of the University, Saturday, March 26, at 8:30 p. m.

It is expected that addresses will be made by a representative of the Board of Regents, by His Excellency Governor Hogg, and by others from the Senate and the House. The main building, the chemical laboratory, and the Brackenridge Hall will be thrown open for inspection. An opportunity will be thus afforded for the members of the Senate to see what has been done in the way of substantial improvements within the last year, and to form an idea of the facilities now offered by the University for the higher education of the young men and young women of the State. Very respectfully,
LESLIE WAGGONER,
Chairman of the Faculty.

On motion of Senator Garwood the invitation was accepted.

The pending bill was passed by the following vote:

YEAS—23.

Atlee,	Kearby,
Burney,	Lubbock,
Clark,	McKinney,
Clemens,	Mott,
Crane,	O'Neal,
Cranford,	Potter,
Finch,	Page,
Frank,	Pope,
Glasscock,	Stephens,
Garwood,	Tyler,
Ingram,	Weisiger.
Johnson,	

NAYS—4.

Kimbrough,	Searcy,
Seale,	Sims.

Senator Potter called up the communication from the House received this morning and which was as follows:

"Resolved, That the Senate be invited to meet the House in joint session at 12 o'clock, M., today for the purpose of electing a United States Senator."

Senator Potter moved that the invitation be accepted.

Adopted.

Senator Frank called up the memorial asking congress to make an appropriation for building a break-water and Harbor of Refuge in the Bight of Conaveral. Which was read with favorable committee report.

The memorial was adopted.

Senator Carter offered the following resolution: Resolved by the Senate of the State of Texas. That on Wednesday, the 30th inst., at 11 o'clock a. m., the Senate by vote decide upon and select three places in the State of Texas at which the Court of Civil Appeals shall be held and that the Supreme Judicial Districts be so established as to be convenient to the people of the State of Texas.

Read, and on motion of Senator Carter the resolution was referred to Judiciary committee No. 1.

On motion of Senator Glasscock the Senate took recess until 11:55 this morning.

11:55 A. M.

The President called the Senate to order.

12 meridian.

The President announced that the hour had arrived when, under the law, the Senate should repair to the hall of the House of Representatives to meet that body in joint session for the purpose of assisting in the election of a United States Senator.

The Senate repaired to the House of Representatives.

IN JOINT SESSION.

The House was called to order at appointed time at 12 o'clock meridian, the honorable Senate of Texas was announced at the bar of the House. The Senators were seated along the aisle in chairs prepared for them, and the President of the Senate, Hon. Geo. C. Pendleton, was invited to occupy a seat on the right of the Speaker. The

Speaker then announced that the two Houses were assembled in Joint Session, for the purpose of comparing the vote for United States Senator. By direction of the Speaker, the clerk proceeded to call the roll of the House, and a quorum was announced present. By direction of the President, the Secretary of the Senate proceeded to call the roll of the Senate, and a quorum was announced present.

By direction of the Speaker, the clerk read from the Journal of yesterday the proceeding had in the House in the election of a United States Senator.

EXTRACTS FROM HOUSE RECORD.

The Speaker announced that the hour had arrived set apart by resolution for the election of a United States senator to fill the vacancy created by the resignation of Hon. Jno. H. Reagan, and that nominations are now in order.

Mr. Swayne withdrew the name of Hon. Horace Chilton.

Mr. Gresham nominated Hon. Roger Q. Mills.

Mr. Baker of Tom Green seconded the nomination of Mr. Mills.

Mr. Hamblen seconded the nomination of Mr. Mills.

Mr. Hood of Parker seconded the nomination of Mr. Mills.

Mr. Derden seconded the nomination of Mr. Mills.

Mr. Crawford seconded the nomination of Mr. Mills.

Nominations were declared closed, and the clerk was directed to call the roll and take a viva voce vote as to the choice of each member for United States senator.

Upon counting the vote it appeared that of those voting Mr. Mills received the following :

Hon. R. T. Milner, Speaker,	
Adkins,	Lindsey,
Agnew.	Lloyd,
Baker, Tom Green,	Lowry,
Baker of Dewitt,	Malone,
Batts,	Martin of Wise,
Beall,	Martin of Hood,
Britz,	McCunningham,
Brown,	McElwee,

Browning, of	McGregor,
Donley,	McKinney,
Browning, of	McKinnon,
Lampasas,	Moody,
Gade,	Murchison,
Clegg,	Murrell,
Cochran,	Nimitz,
Connellee,	O'Brien,
Crawford,	Oliver,
Crowley,	Owsley,
Davis,	Patton,
Dawson,	Perry,
Derden,	Peter,
Dills,	Ragsdale,
Dix,	Renfro,
Doggett,	Riddle,
Duncan,	Robison,
Erskine,	Rogan of Brown,
Felder,	Rogan of Caldwell,
Francis,	Rogers,
Freeman,	Rowland,
Fulton,	Rudd,
Gerald,	Sellers,
Goodman,	Selman,
Gossett,	Strange,
Gough,	Swayne,
Graves,	Terrell,
Gresham,	Tilson,
Hamblen,	Tolbert,
Hodges,	Truit,
Hood of Parker,	Urbahn,
Hood of Fannin,	Vestal,
Jester,	Waters,
Jones,	White,
Keith,	Williamson,
King of Bell,	Wilson of Hill,
Kirk,	Wilson of Harrison,
Kirkpatrick,	Womack,
Kleiber,	York.
Lewis,	
Total, 94,	

Hon. J. W. Bailey received the following:

Messrs. Melson, Peebles, Swan and Templeton.—Total, 4.

Hon Horace Chilton received the following:

Messrs. Cain, Curry and Phillips, Total, 3.

Hon. Barnett Gibbs received the following:

Messrs. King of Bowie and Shaw, Total, 2.

Hon. D. B. Culberson received the following:

Mr. Shaper.—Total, 1.

Absent, excused—Messrs. Peyton and Wurzbach.—Total, 2.

The Speaker announced as a result of the vote, that Mr. Mills had received 94 votes; Mr. Bailey 4 votes; Mr. Chilton, 3 votes; Mr. Gibbs, 2 votes; Mr. Culberson, 1 vote.

By direction of the president, the secretary read from the Journal of yesterday the proceedings had in the Senate in the election of United States Senator.

EXTRACTS FROM SENATE RECORD.

12 meridian.

The hour having arrived at which the Senate, by resolution offered this morning, should proceed to the election of a United States Senator to fill the unexpired term of Senator Reagan, resigned

The chair announced that nominations were now in order.

Senator Geo. W. Tyler placed before the Senate the name of the Hon. Roger Q. Mills.

Senator Crane seconded the nomination of Mr. Mills.

Senator Kearby withdrew the name of Hon. Horace Chilton.

No other names being in nomination the secretary proceeded to call the roll with the following result:

MILLS—29.

Atlee,	Lubbock,
Burney,	McKinney,
Clemens,	Mott,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Simkins,
Garwood,	Sims,
Harrison,	Stephens,
Ingram,	Tyler,
Johnson,	Townsend,
Kearby,	Weisiger.
Kimbrough,	

Jos. D. Sayers 1—Clark; G. W. Jones 1—O'Neal.

The chair announced that Mr. Mills had received 29 votes; Mr. Sayers 1 vote and Mr. Jones 1 vote.

IN JOINT SESSION.

A summing of the vote of the two Houses showed that Mr. Mills had received 123 votes; Mr. Bailey 4 votes; Mr. Chilton 3 votes; Mr. Gibbs 2 votes; Mr. Culberson 1 vote; Mr. Jones 1 vote; Mr. Sayers 1 vote.

The Speaker then announced that Hon. Roger Q. Mills had received a majority of all the votes cast, and declared him legally and constitutionally elected United States Senator, to fill the vacancy in the Senate of the United States, caused by the resignation of Hon. John H. Reagan.

The Speaker then announced that the business of the joint session was concluded, and on motion of Senator Pope the honorable Senate retired to its chamber.

IN SENATE.

By consent Senator Pope sent up the following:

A bill to be entitled an act to prevent unlawful agreements and combinations in restraint of trade, and providing punishment therefor.

Read first time and referred to Judiciary committee No. 1.

On motion of Senator Stephens the Senate adjourned until 10 o'clock a. m., tomorrow.

TENTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Thursday, March 24, 1892. }

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—31.

Atlee,

Lubbock,

Burney,
Clark,
Clemens,
Crane,
Carter,
Cranford,
Finch,
Frank,
Glasscock,
Garwood,
Harrison,
Ingram,
Johnson,
Kearby,
Kimbrough,

McKinney,
Mott,
O'Neal,
Potter,
Page,
Pope,
Seale,
Searcy,
Simkins,
Stephens,
Sims,
Tyler,
Townsend,
Weisiger.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the Journal on motion of Senator Burney, the further reading of the same was dispensed with.

The Chair signed in open Senate after its title had been read House bill No. 16, "An act to amend section 2 (a) of chapter 116, acts of the Twenty-second Legislature, entitled an act to provide for the issuance of certificates to teachers in the public schools of Texas, and prescribing their duties as such."

Approved April 28, 1891.

PETITIONS AND MEMORIALS.

Senator Burney presented a memorial from the Commercial Exchange of the city of San Antonio, against the passage of an alien land law.

Read first time and referred to Judiciary committee No. 1.

Also a memorial from the Board of Trade of the city of San Antonio, against the passage of the alien land law.

Read first time and referred to Judiciary committee No. 1.

BILLS AND RESOLUTIONS.

Senator Garwood introduced a bill to be entitled, "An act to organize and establish the Twenty-first Judicial District; to fix the times of holding court therein, and to repeal all laws and parts of laws in conflict therewith.

Read first time and referred to committee on Judicial Districts.

Senator Finch introduced the following resolution: